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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA
and the STATE OF NEW YORK,
ex rel ENRICO MONTAPERTO

Plaintiffs,

NOTICE OF VOLUNTARY
PARTIAL DISMISSAL
PURSUANT TO
FED.R.CIV.P.
41(a)(1)(i)

-against-

Civil Action No. 05-Civ.-4911
(LDW) (SMG)

NEW PARKWAY HOSPITAL, a not-
for-profit New York State Corporation;
PARKWAY HOSPITAL ACQUISITION,
INC, a not-for-profit New York State
Corporation; NYU DOWNTOWN HOSPITAL,
a not-for-profit New York State Corporation;
OUR LADY OF MERCY MEDICAL
CENTER, a not-for-profit New York State
Corporation; VICTORY MEMORIAL HOSPITAL,
a not-for-profit New York State Corporation; SAINT
VINCENT CATHOLIC MEDICAL CENTERS OF
NEW YORK, a not-for-profit New York State
Corporation; SAINT VINCENT'S MIDTOWN HOSPITAL,
a not-for-profit New York State Corporation;
SAINT JOSEPH'S MEDICAL CENTER,
a not-for-profit New York State Corporation;
SAINT CHARLES HOSPITAL and REHABILITATION
CENTER, a not-for-profit New York State
Corporation; EASTERN LONG ISLAND HOSPITAL

FOUNDATION, a not-for-profit New York State Corporation; LONG BEACH MEDICAL CENTER, a not-for-profit New York State Corporation; COLUMBIA MEMORIAL PHYSICIANS HOSPITAL ORGANIZATION INC., a not-for-profit New York State Corporation; BENEDICTINE HOSPITAL, a not-for-profit New York State Corporation; HIGHLAND HOSPITAL, a not-for-profit New York State Corporation; THE MOUNT VERNON HOSPITAL, a not-for-profit New York State Corporation; BARNERT HOSPITAL, a not-for-profit New Jersey State Corporation; PALISADES MEDICAL CENTER, a not-for-profit New Jersey State Corporation; TRINITAS HOSPITAL; a not-for-profit New Jersey State Corporation; MUHLENBERG REGIONAL MEDICAL CENTER, a not-for-profit New Jersey State Corporation; MARYLAND GENERAL HOSPITAL, a not-for-profit Maryland State Corporation; NORTH BAY HOSPITAL, a not-for-profit Texas State Corporation; GUADALUPE VALLEY HOSPITAL, a not-for-profit Texas State Corporation; OSTEOPATHIC MEDICAL CENTER OF TEXAS, a not-for-profit Texas State Corporation; MEMORIAL HERMANN BAPTIST BEAUMONT HOSPITAL, a not-for-profit Texas State Corporation; RIVERSIDE GENERAL HOSPITAL, a not-for-profit Texas State Corporation; MEDICAL CENTER HOSPITAL, a not-for-profit Texas State Corporation; DOLLY VINSANT MEMORIAL HOSPITAL, a not-for-profit Texas State Corporation; HARTSELLE MEDICAL CENTER, a not-for-profit Alabama State Corporation; PROVIDENCE HOSPITAL, a not-for-profit Alabama State Corporation; COLUMBIA SAINT MARY'S HOSPITAL, a not-for-profit Wisconsin State Corporation; SAINT CATHERINE HOSPITAL, a not-for-profit Indiana State Corporation; INTEGRIS-CANADIAN VALLEY REGIONAL HOSPITAL, a not-for-profit Oklahoma State Corporation; SAINT ELIZABETH HOSPITAL, a not-for-profit Illinois State Corporation; SAINT MARY OF NAZARETH, a not-for-profit Illinois State Corporation; PROVENCIA ST MARY'S HOSPITAL, a not-for-profit Illinois State Corporation; THOREK HOSPITAL, a not-for-profit Illinois State Corporation; TOUCHETTE

REGIONAL HOSPITAL, a not-for-profit Illinois State Corporation; JACKSON PARK HOSPITAL, a not-for-profit Illinois State Corporation; ACCESS HEALTH MANAGEMENT SERVICES, INC., a for-profit New York State Corporation; SPECIALCARE HOSPITAL MANAGEMENT CORPORATION, a for-profit Missouri Corporation, authorized to do business in New York State; ROBERT MCNUTT; THOMAS P MILLEA; and WILLIAM A BILLINGS; individually; "JOHN DOE HOSPITALS 1-50, whose names are presently unknown; "JOHN DOE REHABILITATION CENTERS" "50-100" and "JOHN or JANE DOE Nos. "100 -150" and JOHN DOES "150-175", inclusive who are presently unknown; the names of the last 175 defendants being fictitious, the true names of Defendants being unknown to Plaintiffs, because their names and/or capacities and/or facts showing them liable are not known presently;

Defendants. :

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PLEASE TAKE NOTICE THAT pursuant to Fed. R. Civ. P. 41(a)(1)(i), no defendant that is being dismissed hereby having answered or moved for summary judgment with respect to any complaint of the Plaintiff-Relator ENRICO MONTAPERTO, Plaintiff-Relator ENRICO MONTAPERTO the hereby dismisses all causes of actions alleged in his Amended Complaint, dated August 6, 2007, except those intervened on by the Complaint in Intervention filed by the United States of America, dated October 8, 2008, and Complaint in Intervention by the State of New York dated October 8, 2008, and further dismisses against as to all defendants, except those defendants named in said Complaints in Intervention, to wit: Benedictine Hospital; Columbia Memorial Physicians Hospital Organization Inc.; Long Beach Medical Center; NY Downtown Hospital, which relator named as NYU Downtown Hospital; Parkway Hospital and New Parkway Hospital; Saint Joseph's Medical Center; Robert McNutt; and Special Care Hospital Management Corporation. The foregoing dismissals are without prejudice.

Dated: December 12, 2008
East Meadow, New York

Yours Etc.

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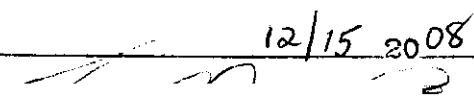
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SO ORDERED.
Dated: <u>Central Islip, N.Y.</u>
 12/15 2008
Leonard D. Wexler U.S. District Judge